<center>REMARKS</center>

This amendment is being filed along with a Request for Continued Examination (RCE) to take the present application out of appeal and to re-enter prosecution. Various claims are amended as shown. No new matter has been added. Claims 10, 12, 28, 30, 46, and 48 are canceled herein without prejudice. With this amendment, claims 1-9, 11, 13-27, 29, 31-45, 47, and 49-54 are pending in the application.

I.   <u>Preliminary comments</u>

A final Office Action was issued by the U.S. Patent Office on November 16, 2006, and a Notice of Appeal was filed on May 18, 2007 in response to the final Office Action. An Appeal Brief was then filed on March 20, 2008, followed by a Notification of Non-Compliant Appeal Brief issued by the U.S. Patent Office on April 10, 2008, which noted various defects in the Appeal Brief. The Notification of Non-Compliant Appeal Brief set an extendible 30-day deadline for response.

After the mailings of the aforementioned documents, the present application was subsequently transferred to new attorneys (*e.g.*, the undersigned attorney Dennis M. de Guzman and other registered patent attorneys in his law firm) to take over prosecution and/or other actions pertaining to the present application. Upon further review of the prosecution file, it was determined by Mr. de Guzman that the present application should be taken out of the appeal process and placed back into prosecution, via filing of the present RCE, so as to introduce amendments to place the claims in better condition for allowance.

New power of attorney and change of correspondence address documents will be filed in due course. In the meantime, this amendment and the documents accompanying the present RCE are being signed and filed by Mr. de Guzman in accordance with 37 CFR 1.34.

Because new attorneys are now involved in the prosecution of the present application, the Examiner's patience, assistance, and cooperation in examining the claims and moving forward to a (hopefully) satisfactory resolution would be very much appreciated.

II.   Discussion of the claims and cited references

The final Office Action rejected claims 1-14 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Daudelin (U.S. Patent No. 6,072,807) in view of Bi (U.S. Patent No. 6,515,977).

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Daudelin, in view of Bi, and in further view of Karlsson (U.S. Patent No. 5,898,928).

Claims 19-32, 34-50, and 52-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Daudelin, in view of Bi, and in further view of Landberg (U.S. Patent No. 5,852,630).

Claims 33 and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Daudelin, in view of Bi, in view of Landberg, and in further view of Karlsson.

For the reasons set forth below, these rejections are respectfully traversed, and it is kindly requested therefore that the rejections be reconsidered and withdrawn.

A.   Independent claim 1

Independent claim 1 is amended as shown to include recitations from its former dependent claims 10 and 12, with claims 10 and 12 now canceled herein without prejudice. More particularly, claim 1 as amended herein recites, *inter alia*, "determining a time period over which said signal-strength of said finger assignment satiates said second signal-strength threshold" and "wherein said finger assignment is allowed to be deassigned if said time period fails to satiate a time threshold."

These amendments to claim 1 correspond to the embodiment described, for example, on page 15, line 10 *et seq.* with reference to Figure 3 of the present application. There is provided a "time period" over which the "signal-strength of said finger assignment satiates said second signal-strength threshold" and therefore the finger assignment may be prevented from being deassigned. However, claim 1 adds the condition that the finger assignment is allowed to be deassigned if the time period (over which the signal-strength of said finger assignment satiates said second signal-strength threshold) fails to satiate a "time threshold."

Such features and other disclosed features are intended to prevent perturbations in the signal from causing unnecessary assignment or unnecessary deassignment. Stated in another way, even though the signal-strength might be "higher" than the second signal-strength threshold during the time period, such a "higher" signal-strength in and of itself is not sufficient to prevent deassigment if that time period is too short (shorter than the time threshold). Therefore, a mere momentary upward "spike" in the signal-strength above the second-signal strength threshold will not be sufficient to prevent deassignment.

It is respectfully submitted that the cited references do not meet the limitations of claim 1 that require "determining a time period over which said signal-strength of said finger assignment satiates said second signal-strength threshold" and "wherein said finger assignment is allowed to be deassigned if said time period fails to satiate a time threshold."

For example, page 8 of the final Office Action cited column 9, line 44 to column 10, line 6 of Bi in originally rejecting claim 12. However, it is respectfully submitted that this passage of Bi relied upon by the final Office Action does not meet the limitations of claim 1. This passage of Bi is reproduced below (emphasis ours):

> "At the end of this first length Δt time interval, block 1102 outputs on lead 1115 the total amount of time it has calculated the <u>signal quality</u> from the monitored finger <u>was below threshold R</u>.
>
> The allowed amount of time which the monitored finger's signal quality may spend <u>below the threshold</u> during the preceding length of time Δt is calculated by multiplier 1112 as P*(Δt). Summer 1103 forms the difference between the measured amount of time the monitored finger spent <u>below the threshold</u> during the preceding first length Δt time interval, and the allowed amount of time the signal quality for the monitored finger may spend <u>below the threshold</u> during the preceding first length Δt time interval. <u>In this embodiment, if this value at any time becomes greater than zero, as indicated by the output of comparator 1104,</u>

the signal assigned to the monitored finger has failed the percent-below-threshold criteria to remain assigned, and should be de-assigned.

Controller 1105 observes the output of comparator 1104, and de-assigns the monitored finger immediately upon observing the percent-below-threshold criteria has failed (that is, the time spent below the threshold during the preceding first length Δt time interval exceeded the allowed amount of time). It does this by signaling rake receiver 507 over lead 508 to de-assign the finger. It should be noted that because the allowed amount of time below threshold value produced by multiplier 1112 is monotonically increasing, it is not necessary for controller 1105 to sample the output of comparator 1104.

Should the finger remain assigned, block 1102 continues by sampling the new Δt value on input 1114, and proceeding as it had before when using the first length Δt value."

From the above-quoted passage of Bi, it is abundantly clear that he is speaking of the amount of time (during the Δt time interval) in which the "signal quality … was below threshold R." If the "measured amount of time" that the signal quality was below threshold R exceeds the "allowed amount of time", then Bi performs a deassignment.

Such teachings in Bi that examine the time in which the signal quality is "below" the threshold R are different from what is claimed in claim 1. Claim 1, in contrast to Bi, recites a time period "over which said signal-strength of said finger assignment satiates said second signal-strength threshold"—accordingly, it is clear from claim 1 that during this time period, the signal-strength is above ("satiates"), rather than being below, the second signal-strength threshold.

Moreover, claim 1 allows deassignment if the time period (over which the signal-strength satiates or is above the second signal-strength threshold) fails to satiate (fails to reach or exceed) a time threshold. In contrast, Bi deassigns if "the time spent below the

threshold during the preceding first length Δt time interval <u>exceeded</u> the allowed amount of time." Thus, Bi looks at whether or not the measured time (<u>below</u> the threshold R) <u>exceeds</u> the allowed time, rather than looking at whether a time period (<u>above</u> the signal-strength threshold) <u>fails to exceed</u> a time threshold.

In view of the above, it is respectfully submitted that claim 1 is allowable.

B.   <u>Independent claims 19 and 37</u>

Independent claims 19 and 37 are amended in a manner generally similar to claim 1 above, by including recitations from their respective former dependent claims 28/30 and 46/48, which dependent claims have now been canceled without prejudice.

For reasons analogous to those set forth above, it is respectfully submitted that claims 19 and 37 are allowable.

C.   <u>Other claim amendments</u>

Various other amendments are made to the claims as shown to provide appropriate antecedent basis, to make the language between and within the claims consistent given the amendments to the independent claims, to remove redundant and/or unnecessary limitations, to make changes of a typographical/grammatical nature, to more precisely recite the subject matter contained in the claims, to update claim dependencies, and/or to otherwise place such claims in better form.

Moreover, amendments are made to various claims as shown to clarify that recitations contained in these claims and in their related claims do not fall within the scope of 35 U.S.C. § 112, sixth paragraph.

III.   <u>Conclusion</u>

If there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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